UNITED STATES DISTRICT COURT

Central District of California

PREMIER NUTRITION, INC

V

BILL OF COSTS

Case Number: SACV 06-0827 AG (RNBx)

ORGANIC FOOD BAR, INC			
ey/ Judgment having been entered in the above entitled action		against Organic	Food Bar, Inc.
the Clerk is requested to tax the following as costs:	Date		
Fees of the Clerk			\$350.00
Fees for service of summons and subpoena			220.50
Fees of the court reporter for all or any part of the transcript r (Expedited or daily transcripts require prior Court Order 1 Trial Transcripts, if requested by the Court or prepar 2 Deposition Transcripts (includes non-expedited tran fees for binding, bates stamping, non-expedited ship disks, production and code compliance charge, elect and witness handling charges)) red pursuant to stipulation scripts, the reporter's app sping & handling, process	earance fee, ing fee, ASCII	3,563.05
Fees and disbursements for printing (The costs of copies of an exhibit attached to a document	necessarily filed and serv	ed)	780.40
Fees for witnesses (itemize on page 2 of 3)			566.45
Fees for exemplification and copies of papers necessarily obta	ained for use in the case		
Docket fees under 28 U S C 1923 (if incurred)			
Costs as shown on Mandate of Court of Appeals			
Compensation of court-appointed experts			
Compensation of interpreters and costs of special interpretation	on services under 28 U.S.	C 1828	
Other costs to be taxed pursuant to prior Court approval (plea			
		TOTAL	\$5,480.40
SPECIAL NOTE: Attach to your bill an itemization and docu	umentation for requested	costs in all categories	
	CLARATION		
I declare under penalty of perjury that the foregoing costs are for which fees have been charged were actually and necessari prepaid to: Jan P. Weir / Steven M. Hanle (Stradling Yocca	ly performed A copy of		
Konvan Fattali		Vanenam Tattahi	
Signature of Attorney		Kamran Fattahi Name of Attorney	1
For: Premier Nutrition, In		Date:	Apil 16, 2008
Name of Claiming Party Costs are taxed in the amount of			
Clerk of Court	Deputy Clerk		Date
CV-59 (01/08) BH	LL OF COSTS	"…	Page 1 of 3

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)									
NAME. CITY AND STATE	ATTEN	ATTENDANCE		SUBSISTENCE		EAGE			
	Days	Total Cost	Days	Total Cost	Miles	I otal Cost	I otal Cost Each Witness		
See Ex 2 to Declaration of Kamran Fattahi (part of Premier's Application to Tax Costs)									
					10	DTAL			

INSTRUCTIONS AND NOTICES REGARDING BILL OF COSTS

SPECIAL NOTE: An itemization and documentation to support the claims made in all categories shall be attached to the Application for Bill of Costs Documentation shall include receipts, orders and stipulations of the parties. The claiming party shall ensure that any receipts are self-explanatory (i.e. receipts for service, to include the name of the individual). The Clerk's designee will disallow any expenses that do not have supporting documentation. It is the claiming party's responsibility to ensure that the total cost requested in all categories on Form CV-59 reflects the same total of the documentation submitted in support thereof. The Clerk's designee shall allow such items specified in the application which are properly recoverable as costs.

Amended Procedure for Filing Bill of Costs

Local Rule 54-3 - Within (15) days after entry of judgment, the party entitled to costs shall file a Notice of Application to the Clerk to Tax Costs and shall attach a proposed Bill of Costs on Form CV-59. The Bill of Costs and the Notice of Application to the Clerk to Tax Costs shall be prepared as two separate documents. All costs shall be specified so that the nature of the claim can be readily understood. The Bill of Costs will be electronically filed by the Clerk's designee once determination of allowable costs are made.

Appearance Requirements

Local Rule 54-3 2 - Time of Application - The date and time for taxation of costs by the Clerk shall be not less than fourteen (14) nor more than twenty-one (21) days from the date notice is given to the other parties. If no objections to the Bill of Costs are filed, then no appearance by counsel is required. In the absence of an objection, any item listed will be taxed as allowed under Local Rule 54. When an objection is filed, the Clerk's designee may determine that no hearing is required and the parties will be so notified. If a hearing is to be held, the Clerk's designee may specify the form of the hearing and determine if telephonic appearances are appropriate

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec 1924 Verification of bill of costs"

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree"

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law Costs may be taxed by the clerk on one day's notice On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court "

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period"

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs"

LAW OFFICES OF KAMRAN FATTAHI

CERTIFICATE OF SERVICE

As attorney of record for Plaintiff / Counterclaim Defendant, I hereby certify that I caused the document(s) listed below to be served on the date indicated below on all parties to this action via the delivery method indicated and addressed to:

Via E-Mail and U.S. First Class Mail, Postage Prepaid

Jan P Weir / Steven M. Hanle / Jennifer Trusso / Peter L. Wucetich Stradling Yocca Carlson & Rauth 660 Newport Center Drive, Suite 1600 Newport Beach, CA 92660-6422 Tel: (949) 725-4000 Fax: (949) 725-4100

Document(s) Served:

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1. Premier Nutrition, Inc.'s Proposed "Bill of Costs"...

Dated: April 16, 2008

Kamran Fattahi LAW OFFICES OF KAMRAN FATTAHI Attorneys for Plaintiff / Counterclaim Defendant,

Kommon Fattal.

Premier Nutrition, Inc.